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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,162	02/20/2001	Masaki Arima	0402/00623	5507

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Morris Liss  
Connolly Bove Lodge & Hutz LLP  
P.O. Box 19088  
Washington, DC 20036-3425

EXAMINER
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HA, DAC V

ART UNIT	PAPER_NUMBER
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2634

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/785,162

**Applicant(s)**

ARIMA, MASAKI

**Examiner**

Dac V. Ha

**Art Unit**

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Rocco, Jr. (US 5,642,386) (hereinafter Rocco).

**Regarding claim 1**, Rocco teaches all the claimed subject matter as follows.

“a clock generating ... received data” (Figure 1, element 11; Col. 4, lines 47-48);

“a delay circuit ... delayed data” (Figure 1, element 25; Col. 5, lines 45-52);

“a first sampling circuit ... data sampling value” (Figure 1, element 27<sub>0</sub>; Col. 5, lines 60-61);

“a second sampling ... delayed data sampling value” (Figure 1, element 27<sub>1</sub>);

“receiving data judging means ... fails to judge the received data value” (Figure 1, elements 23, 24; Col. 5, lines 62-65; Col. 6, line 60 to Col. 7, line 43).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. **Claims 2, 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rocco.

**Regarding claim 2**, Rocco teaches all the claimed subject matter in claim 2, as stated above. Rocco also teaches "said clock generating ... received data" in Col. 4, lines 47-48. Rocco further teaches the data is captured over one full clock period defined by the two transitions of the data stream. Therefore, sampling the data in response to the transitions of the clock would have been obvious to one skilled in the art. Thus, the claimed subject matter in claim 2 "said first sampling circuit ... delayed data sampling value" would have been optional to one skilled in the art.

**Regarding claim 3**, similarly to the analogy of claim 2 above. Further, the claim subject matter "said clock generating ... two time ... received data" would have been a design spec for one skilled in the art.

5. **Claims 4-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rocco in view of Lee et al. (US 6,266,799) (hereinafter Lee).

**Regarding claim 4**, similarly to that of claim 1, except instead of delaying the received data, claim 4 recites delaying the clock signal. However, in the same field of endeavor, such alternate is known and disclosed by Lee in Figure 4A; Col. 6, line 44 to col. 7, line 3. Therefore, claim 4 would have been obvious to one skilled in the art over Rocco in view of Lee as design alternative.

**Regarding claims 5, 6**, see claims 2, 3 above, respectively.

***Conclusion***

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blomgren et al. (US 6,349,387) disclose Dynamic Adjustment Of Clock Rate In Logic Circuits.

Banwell et al. (US 6,285,722) disclose Method and Apparatus For Variable Bit Rate Clock Recovery.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dac V. Ha whose telephone number is 703-306-5536. The examiner can normally be reached on 5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dac V. Ha  
Examiner  
Art Unit 2634